



U.S. DEPARTMENT of STATE

Papua New Guinea

Country Reports on Human Rights Practices - [2003](#)

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Papua New Guinea has a federal parliamentary system based on universal adult suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. The most recent general elections were in June 2002; there were localized instances of voter intimidation and violence, and influence peddling. A coalition government, led by Prime Minister Michael Somare, formed following the election. The judiciary is independent, but was hampered by inefficiency.

The Government has constitutional authority over the Defense Force, the Royal Papua New Guinea Constabulary, and the National Intelligence Organization. The constabulary maintains internal security, assisted from time to time by the Defense Force, including during elections. The Defense Force is responsible for external security. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the constabulary committed a number of serious human rights abuses.

The economy is market based and relied heavily on agriculture and commodity exports. The population was approximately 5.5 million according to a 2001 United Nations Development Program (UNDP) estimate, and there are more than 800 distinct indigenous languages and tribes. Cyclical commodity prices, frequent changes of government complicating long-term economic planning, and lack of political will over a number of years to implement sound economic policies have resulted in persistent macroeconomic stagnation. Crime, especially in urban areas, was a critical problem. Approximately 85 percent of the population resided in isolated rural villages engaged in subsistence and smallholder agriculture. Real national and per capita incomes have declined in recent years, from \$4.9 billion in 1997 to approximately \$3 billion in 2002. During the year, the country received approximately \$170 million in development assistance from Australia, its largest trade partner and aid provider.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed arbitrary or unlawful killings, used excessive force when arresting and interrogating suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several areas continued to be poor. Court understaffing reduced court hearings and increased pretrial detention periods. Police infringed on citizens' privacy rights. In the past, the Government limited freedom of assembly in the form of marches or demonstrations; there reportedly were no applications for permits for marches or demonstrations during the year. Extensive violence and discrimination against women were problems, and child abuse appeared to be a growing problem. Discrimination against persons with disabilities persisted, and violence among tribes in both urban and rural areas remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The police killed several persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. There were no deaths in custody during the year.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court.

During the year, the Government took no further action in the cases of police officers involved in the 2001 shootings of university students in Port Moresby, in which four students were killed, and did not release the results of an inquiry it ordered into the shootings.

In the past few years, due to the availability of modern weapons, there have been an increasing number of deaths resulting from violent tribal conflicts (see Section 5).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel or degrading treatment or punishment; however, individual members of the police often beat suspects during arrests, interrogations, and in pretrial detention. In February, police reportedly assaulted two priests in Tapo during a search for criminals in the area. A photographer for The National newspaper reported that police punched and threatened him during a police confrontation with market vendors in Port Moresby in November (see Section 2.a.). In November and December, several persons alleged sexual abuses by police at Yangoru police station in East Sepik province. Although abuses such as citizens being permitted to beat suspects and the rape of female detainees by police reportedly did not occur during the year, no action was taken against offenders from previous years.

In March, a group of approximately 100 armed soldiers assaulted civilians in a Port Moresby suburb during a search for a thief.

Prison conditions were poor. According to the Minister for Correctional Services, as of year's end, there were more than 3,300 detainees, of whom 90 percent were male. During the year, 15 of the country's 17 jails were operational. The prison system suffered from serious underfunding. Prisons closed in 2000 because of life-threatening conditions remained closed, and there was no new construction. Some prisons in urban areas were seriously overcrowded. In rural areas, infrequent court sessions and bail restrictions for certain crimes exacerbated overcrowding (see Section 1.d.). Shortly after mid-year, eight prisoners died of either a food-transmitted or airborne infection at a provincial prison; the deaths spurred medical treatment of other infected inmates.

Male and female inmates were housed separately. There were no separate facilities for juvenile offenders; however, in some prisons, juveniles were provided with separate sleeping quarters. Pretrial detainees were not separated from convicted prisoners.

Prisoners were often confined in crowded conditions in police stations. Prison guards' living conditions were as poor as those of the prisoners. Prison escapes were common.

The Government permitted prison visits by human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The country has a national police force, known as the Royal Papua New Guinea Constabulary. The force is headed by a commissioner, who reports to the Minister for Internal Security. A new commissioner was appointed in 2002 and replaced much of the police leadership in an effort to address corruption and inefficiency; however, corruption and impunity remained problems. During the year, some police officials were suspended for involvement in corruption or other criminal activity. Police effectiveness was impeded both by a serious lack of resources and by clan rivalries; within the constabulary, clan members often attempted to thwart remedial or disciplinary actions against fellow members of their clan. In December, the Cabinet directed the Minister for Internal Security to appoint a panel to review the administration and operations of the police force.

The Arrests Act of 2000 governs arrests. To make an arrest, police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, although this was rare in practice. Police, prosecutors, or citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Under the law, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review. Access to counsel by detainees was not a problem during the year. Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for long periods of time. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level; however, the slow pace of police investigations and occasional political interference or police corruption frequently delayed cases for months. Additionally, circuit court sittings were infrequent because of a shortage of judges and travel funds, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for more than 2 years because of the shortage of judges. During the year, development aid was provided for some training and education of the judiciary.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There also are village courts headed by lay persons (generally local chiefs, known as "big-men"), who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforced these provisions. Defendants have the right to an attorney. The Public Solicitor's office provides legal counsel for those accused of "serious offenses" who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges created delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such action; however, there were instances of abuse. Police raids and searches of the homes or settlements of suspected criminals or other wrongdoers can be marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting (see Section 5). During the year, there were reported instances of politicians directing or bribing police officials to arrest or intimidate individuals seen as political enemies or as possible whistle-blowers on corruption or misuse or theft of public assets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The combined circulation of 2 daily English-language newspapers was less than 60,000. A weekly newspaper in Melanesian Pidgin (the national "lingua franca") also was published. All freely expressed independent coverage, including a variety of editorial viewpoints, and reported on controversial issues such as alleged abuses by police, cases of alleged corruption by government officials, and political opposition views. However, after the local press gave wide coverage to a critical report on the country released in March by the Australian Center for Independent Studies, members of both the executive branch and Parliament called for greater control of the press. The study's co-author, a naturalized citizen, was called before a parliamentary committee and questioned about his patriotism and his sources and methods; some elected officials demanded that his citizenship be revoked. Nonetheless, the Government did not take any further action against him or place any new restrictions on press freedom during the year.

A reporter for The National newspaper charged that on November 28, one police officer punched him and smashed his camera and another threatened to hit him with an iron bar as he was attempting to photograph a confrontation between police and a group of vendors at a Port Moresby market. As of year's end, the Government had taken no action against the officers involved. In August, the Bougainville correspondent of the Post-Courier newspaper reported that armed men claiming to be supporters of Harold Ke'ke, a militant leader in the Solomon Islands, entered the paper's Bougainville office, vandalized office equipment, and threatened to burn down the office and kill the correspondent if the paper did not stop publishing articles about Ke'ke. The paper's office closed temporarily, but reopened later in the year.

The sole domestic television broadcaster, EMTV, is a subsidiary of an Australian broadcasting company; reception was limited to the capital and provincial centers. The two local cable companies were independent. The government-owned National Broadcasting Corporation operated two radio networks whose effectiveness was limited by inadequate funding and deteriorating equipment. Based in Port Moresby, a privately owned radio network, NAU-FM, was expanding to other areas of the country. There were a small number of local radio stations in cities other than Port Moresby.

Internet access was privately operated and becoming common in cities; the Government did not restrict it.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government often has limited this right in practice. Public demonstrations require police approval and 14 days' notice. Police, asserting a fear of violence from unruly spectators, rarely gave approval. Police reportedly received no requests for such approval during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Associations wishing to open a bank account and conduct financial transactions must register. The process of registration was slowed by bureaucratic inefficiency, but there was no policy of denying registration. International affiliation of church and civic groups was permitted freely.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. It was the policy of the Department of Education to set aside 1 hour per week for religious instruction in the public schools. Religious representatives taught the lessons, and the students attended the class operated by the denomination of their parents' choice. Children whose parents did not wish them to attend the classes were excused.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Persons displaced by the 1989-2001 civil war between the central government and Bougainville rebels have returned to their homes.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation.

A reservation to the Convention regarding the issuance of travel documents restricted the travel of some persons from the Indonesian province of Papua (formerly Irian Jaya) living in a refugee camp in the western part of the country. At year's end, there remained approximately 120 persons from Indonesian Papua living in a camp in Vanimo, near the Indonesian border. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and did not force any persons to return to countries where they feared persecution. In practice, the Government provides temporary protection to certain persons who fall outside the definition of the 1951 Convention and its 1967 Protocol. During the year, the Government provided protection for several hundred persons who fled the Indonesian province of Papua. Several hundred more lived in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperated with the office of the UNHCR in assisting the Indonesian Papuans living in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The Government has a policy of limited integration for Indonesian Papuans with certain skills or other qualifications, who were accorded limited residency status and permitted to leave the refugee settlement. Those who violated conditions of their residency could be repatriated, but there were no known forced returns of Papuans to Indonesia. Several thousand persons lived in tribes along the borders and moved freely between the two countries, although border tensions increased in 2002.

At year's end, one detainee remained in the Manus Island detention camp, which had held asylum seekers interdicted at sea by Australia; the detainee was awaiting a decision by Australia on his transfer to a facility outside the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen may stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The most recent general election was held in June 2002. Of the 109 seats in Parliament, 77 changed hands. A coalition government, led by Prime Minister Michael Somare, formed following the election. Fraud, voter intimidation, theft of ballot boxes, and violence, including rape and murder, marred the election in some parts of the country. As a result, the polls were declared failed in six electoral districts in the Southern Highlands; new elections, financed by Australia and accompanied by very little violence, were held successfully in April.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but time consuming and expensive both to initiate and to defend. Following the 2002 election, 83 such petitions were filed against winning candidates. A number of the petitions were successful, and new elections were held in those cases.

In August 2001, the Government signed a peace agreement with Bougainville rebels and progress toward the establishment of an autonomous Bougainville government has been made. On June 30, the U.N.-led Peace Monitoring Group in Bougainville ceased operations. A Bougainville autonomous interim authority was established as a governing body pending approval of a new constitution and the holding of elections, scheduled for 2004. The U.N. Observer Mission in Bougainville, originally scheduled to close at year's end, was extended for 60 days, with provision for a smaller, 2-person office to remain for an

additional 4 months.

The weapons-surrender program mandated in the August 2001 Bougainville peace agreement and carried out under U.N. supervision was declared successful and concluded in the third quarter of the year.

One woman was elected to the 109-seat Parliament in the 2002 elections, compared with two in the previous Parliament. She was named the Minister for Welfare and Social Development, the only Cabinet position held by a woman. There were no female Supreme Court justices or provincial governors.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no official barriers to the formation of human rights groups. The Government cooperated with human rights nongovernmental organizations (NGOs), both domestic and international, but at times was slow in responding to their requests for information. The International and Community Rights Advocacy Forum, an umbrella group, concentrated on human rights and the environment during the year.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often faced discrimination. Geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, has consistently avoided favoring any group. Skirmishes and conflicts tended to be based on disputes between clans over issues such as boundaries, land ownership, and injuries and insults suffered by one clan at the hands of another; they were not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts much deadlier.

There were no reports of government discrimination against persons with HIV/AIDS, although there were reports that companies have separated HIV positive employees after learning of their condition.

Women

Violence against women, including domestic violence and gang rape, was a serious and prevalent problem. Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter and few victims pressed charges, prosecutions were rare. Traditional village mores, which served as deterrents, were weakening and were largely absent when youths moved from their village to a larger town or to the capital. Although rape is punishable by imprisonment and sentences were imposed on convicted assailants, few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was still customary, an increasing number of women were charged with the murder of another of their husband's wives. According to one report, 65 percent of women in prison were there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and the civil service. However, traditional patterns of discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Village courts tended to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. By law, a district court must endorse orders for imprisonment before the sentence is imposed. Polygyny and the custom in many of the country's tribal cultures of paying a bride price tended to reinforce the view that women were property. In addition to the purchase of women as brides, women also sometimes were given as compensation to settle disputes between clans. The courts have ruled that such settlements denied the women their constitutional rights.

According to statistics published in the UNDP's 1999 country report on human development, women were gaining rapidly in literacy and education. Adult literacy rose to 73 percent; 65 percent of women were literate, compared with 86 percent of men. However, there were approximately 15 percent fewer girls in primary schools than boys. According to Ministry of Health statistics, the maternal mortality rate was 370 deaths per every 100,000 live births during the period 1985-1997.

Prostitution is illegal; however, the laws were not enforced and the practice was widespread. Although sex tourism existed, it was not common. Sexual harassment is not illegal, and it was a widespread problem. There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs; however, due to funding constraints, it was not active during the year and it had little effect on the Government's policy toward women.

Children

Most independent observers agreed that the Government did not dedicate significant resources to protecting the rights and

welfare of children. Most programs to protect and develop youth and children were operated by NGOs and religious organizations. In the past, children were well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicated that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood.

According to a report prepared by the Government and UNICEF, sexual abuse of children was believed to be frequent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates were very high. More than 60 of every 1,000 children born did not survive their first year. Primary education was not free, compulsory, or universal; substantial fees were charged. In 1999, the Asian Development Bank reported a primary school enrollment rate of 91 percent for boys and 78 percent for girls; many children did not progress further. Government provision of free medical care for its citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas. As a result, many children did not have effective medical care.

Persons with Disabilities

Through the National Board for the Disabled, the Government provided funds to a number of NGOs that provided services to persons with disabilities. The Government did not provide programs or services directly. Apart from those provided by the traditional clan and family system, services and health care for persons with disabilities did not exist in several of the country's provinces. There was no legislation mandating accessibility to buildings. Persons with disabilities faced discrimination in education, training, and employment. Most persons with disabilities did not find training or work outside the family structure. The Government provided free consultation and treatment for persons with mental disabilities; however, such services were rarely available outside major cities.

National/Racial/Ethnic Minorities

Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. The number of deaths in the last few years has risen due to the availability of modern weapons.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form and join labor unions, subject to registration by the Department of Industrial Relations. The Government did not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy were organized and were members of approximately 50 trade unions. Most of the unions representing private-sector workers were associated with the Trade Unions Congress. The Public Employees Association represented an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. The law prohibits anti-union discrimination by employers against union leaders, members, and organizers; however, it was enforced selectively. Unions were independent of the Government and of political parties. Unions may affiliate freely with international organizations, and they have done so.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to engage in collective bargaining and to join industrial organizations, and workers exercised these rights in practice. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The International Labor Organization (ILO) criticized this law. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations. The Constitution provides for the right to strike, and there were no government efforts to hinder either public- or private-sector unions from exercising this right. The law prohibits retaliation against strikers; however, it was not always enforced. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies. These strikes were brief and ineffective.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be

employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. The Government has ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. Although it is above the national per capita income, the adult minimum wage of \$6.55 (22.96 kina) per week, unchanged since 1992, did not provide a decent standard of living for a worker and family who lived solely on the cash economy. During the year, as has been the case annually for nearly a decade, the Minimum Wage Board recommended a large increase in the minimum wage; however, the Government disagreed, and no increase was implemented.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. Although the Department of Labor and Employment and the courts attempted to enforce the minimum wage law, enforcement was not effective. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week; however, enforcement was lax. Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations.

The law protects legal foreign workers. The few illegal foreign workers lacked full legal protection.

f. Trafficking in Persons

While the Constitution does not prohibit trafficking in persons, there was no evidence that persons were trafficked to, from, or within the country. However, over the last 4 years, the Government investigated allegations of corruption among officials dealing with passport issuance and immigration. These allegations centered on the organized circumvention of immigration controls; often this involved the issuance outside of regulations of residence and work permits for Chinese or South Asian nationals migrating to the country. Nevertheless, there was concern that the country may be used as a route for trafficking in persons to Australia.